

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

04 CR 10032 GAO

UNITED STATES OF AMERICA,

v.

1. VICTOR DELGADO,  
AKA "BITIN", and
2. JOAN REYES SANTANA,  
AKA "FLAKO"

)  
) Criminal No.  
)  
)  
) VIOLATIONS:  
)  
) 21 U.S.C. § 846  
) Conspiracy to Distribute  
) Heroin  
)  
) 21 U.S.C. § 841(a)(1)  
) Distribution of Heroin  
)  
) 18 U.S.C. § 922 (g)(1)  
) Felon In Possession  
) Of A Firearm  
)  
) 18 U.S.C. § 2  
) Aiding and Abetting  
)  
) 21 U.S.C. § 853  
) Criminal Forfeiture  
) Allegation

INDICTMENT

COUNT ONE: (21 U.S.C. § 846 -- Conspiracy To Distribute  
Heroin)

The Grand Jury charges that:

From a time unknown to the Grand Jury, but at least by in or  
about November 2003 and continuing thereafter until in or about  
January 2004 at Lawrence and elsewhere in the District of  
Massachusetts,

1. VICTOR DELGADO, AKA "BITIN" and,
2. JOAN REYES SANTANA, AKA "FLAKO"

defendants herein, did knowingly and intentionally combine,  
conspire, confederate, and agree with each other, and with

persons known and unknown to the Grand Jury, to possess with intent to distribute and to distribute heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The Grand Jury further alleges that the conspiracy described herein involved at least 100 grams of a mixture or a substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841 (b)(1)(B)(i).

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO:** (21 U.S.C. § 841(a)(1)--Distribution of Heroin;  
18 U.S.C. §2--Aiding and Abetting)

The Grand Jury further charges that:

On or about November 4, 2003, at Lawrence, in the District  
of Massachusetts,

1. VICTOR DELGADO, AKA "BITIN" and,
2. JOAN REYES SANTANA, AKA "FLAKO",

defendants herein, did knowingly and intentionally possess with  
intent to distribute and distribute heroin, a Schedule I  
controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1).

**COUNT THREE:** (21 U.S.C. § 841(a)(1)--Distribution of Heroin;  
18 U.S.C. §2--Aiding and Abetting)

The Grand Jury further charges that:

On or about November 7, 2003, at Lawrence, in the District  
of Massachusetts,

1. VICTOR DELGADO, AKA "BITIN" and,
2. JOAN REYES SANTANA, AKA "FLAKO",

defendants herein, did knowingly and intentionally possess with  
intent to distribute and distribute heroin, a Schedule I  
controlled substance.

All in violation of Title 21, United States Code, Section  
841(a)(1).

**COUNT FOUR: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about November 11, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT FIVE: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about November 13, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT SIX:** (21 U.S.C. § 841(a)(1)--Distribution of Heroin)

The Grand Jury further charges that:

On or about November 17, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT SEVEN: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about November 19, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).



**COUNT EIGHT: (18 U.S.C. § 922(g)(1)--Felon in Possession of a Firearm)**

The Grand Jury further charges that:

On or about November 19, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting commerce, a firearm, to wit: a .357 magnum caliber Ruger, model security-six, revolver, bearing serial number 153-19230.

All in violation of Title 18, United States Code, Section 922(g)(1).

**COUNT NINE: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about November 20, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT TEN: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about November 25, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT ELEVEN: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about December 1, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT TWELVE: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about December 3, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT THIRTEEN: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about December 4, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT FOURTEEN: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about December 8, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**

defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT FIFTEEN: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about December 9, 2003, at Lawrence, in the District of Massachusetts,

**1. VICTOR DELGADO, AKA "BITIN",**  
defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).



**COUNT SIXTEEN: (21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about January 12, 2004, at Lawrence, in the District of Massachusetts,

**2. JOAN REYES SANTANA, AKA "FLAKO",**  
defendant herein, did knowingly and intentionally possess with intent to distribute and distribute heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

**FORFEITURE ALLEGATION**  
**(21 U.S.C. § 853)**

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 through 7 and Counts 9 through 16 of this Indictment,

1. **VICTOR DELGADO, AKA "BITIN" and,**
2. **JOAN REYES SANTANA, AKA "FLAKO",**

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants --


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

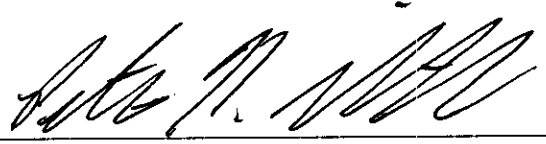
it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property

described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL,

  
FOREPERSON OF THE GRAND JURY

  
PETER K. LEVITT  
JOHN A. WORTMANN, JR.  
Assistant U.S. Attorneys

DISTRICT OF MASSACHUSETTS

February 5, 2004

Returned into the District Court by the Grand Jurors and  
filed.

  
Deputy Clerk 3:10p